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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,629	02/10/2004	Eldad Zeira	I-2-0466.1US	1310

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EXAMINER	
NGUYEN, HANH N	
ART UNIT	**PAPER NUMBER**
2616	

MAIL DATE	DELIVERY MODE
06/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/775,629	ZEIRA ET AL.	
	Examiner	Art Unit	
	Hanh Nguyen	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *Application filed on 2/10/04*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/28/07;1/26/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☒ Other: *IDS 3/28/06;8/20/04;*.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 9 recites the limitation "the lower guaranteed data bit rate" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 6, 7, 8, 13, 14, 19 and 20 are rejected under 35 USC 102 (e) as being anticipated by Irwin et al. (Us pat. 6,944,473 B2).

In claims 1, 8, Irwin et al. discloses in a wireless communication system including a radio network controller(RNC) (See fig.1, RNC 105), a core network (fig.1, CN 102) and at least one

wireless transmit/receive unit (WTRU) (see fig.1, UE 106), a method of controlling the data bit rate of a radio link (RL) established between the RNC and the WTRU to maintain the quality of the RL (see abstract; RNC 105 monitors radio conditions to determine that one or more RAB parameters need to be modified; the RAB parameters includes max bit rates, guaranteed bit rate, etc., see col.1, lines 30-35), the method comprising: (a) the RNC establishing a guaranteed data bit rate (see col.1, lines 30-40; guaranteed bit rate), a maximum data bit rate (col.1, lines 30-35; maximum bit rate) and a current data bit rate associated with the RL (see signal quality of voice call; see abstract); (b) the RNC sensing an event which indicates that the quality of the RL has substantially deteriorated (due to the radio change condition); (c) the RNC determining a target data bit rate based on the sensed event by reducing reducing the current data bit rate to the target data bit rate (RNC 105 lowers the data rtae from maximum bit rate of 16 kbps to 12 kbps); (d) the RNC renegotiating with the core network a new guaranteed data bit rate if the target data rate is less than the guaranteed data bit rate. Irwinet al. discloses, in fig.2, the RNC 105 (fig.1) initiates RAB renegotiation with core network 102(fig.1) to a further lower the guaranteed data rate from 12kbps to 10kbps when a radio condition has changed which affect the QOS. See col.3, lines 1-20.

In claimss 6, 7, 13, 14, 19 and 20, Irwin et al. discloses RL is uplink and downlink (the system in fig.1 and 2 describes communication in radio network. Therefore, RF link includes uplink and down link transmission).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 3, 4, 9, 10, 11, 17, 18 are rejected under 35 USC 103 (a) as being unpatentable over Irwin et al. (Us pat. 6,944,473 B2) in view of Ue et al. (US 6,597,894B1).

In claims 3, 10 and 17, Irwin does not measurement of transmission power. Ue et al. discloses measurement of transmission power at the maximum level (see fig.3, col.4, lines 5-12 & 25-35; power measurement circuit 303 measures power of reception RF). Therefore, it would have been obvious to use the teaching of Ue et al. into Irwin in order to measure transmission power at the RNC to determine whether the signal quality has degraded significantly. The motivation is to increase the transmission power at the RNC or request the mobile to handoff to another core network.

In claims 4, 11 and 18, Irwin does not disclose measurement of error rate associated with the WIRU is too high. Ue et al. discloses measurement error rate associated with WTRU (see fig.10; determining error rate). With the concept discussed above, it would have been obvious to apply the error rate measurement into Irwin determine error rate at the mobile station.

In claims 2 and 9, even though Irwin does not disclose the RNC initiates ahandover if the CN fails to approve the lower guaranteed data rate within a period of time. It is a well-known skills in the art for the mobile to handover when its signal quality degrades drastically so that the

the mobile is still able to communicate between the networks. This would have been obvious to one skilled in the art to perform the handover in Irwin to maintain signal quality.

Claims 5, 12, 15 are rejected under 35 USC 103 (a) as being unpatentable over Irwin et al. (Us pat. 6,944,473 B2) in view of Salonen et al. (US Pat. 7,106,694B1).

In claim 15, Irwin discloses most of limitation as disclosed in claim 1. Irwin further discloses if the current data bit rate is not equal to the maximum data bit rate, the RNC increasing the current data bit rate (see fig.2, col.3, lines 25-3; when radio condition improves, RNC 105 requests CN 102 to increase the guaranteed bit rate). Irwin does not disclose the RNC determining the identity of a specific coded composite transport channel (CCTrCH), associated with the RL, to be reconfigured; and the RNC reconfiguring the specific CCTrCH by adding/ remove one or more transport format combinations (TFC) to a transport format combination set (TFCS) associated with the specific CCTrCH. Salonen et al. discloses in fig.3, RNC 520 adds a single TFC into transport format combination 529 (see col.9, lines 20-35 & fig.3 and fig.1, step 100 and fig.2A, step 106). Salonen also discloses removing TFC from TFCS (see fig.1, steps 140 and 150; col.7, lines 55-65; refuse the request because the TFCis not in allowed combination). Salomen et al. further discloses the RNC determining the identity of a specific coded composite transport channel (CCTrCH), associated with the RL, to be reconfigured (see col.3, lines 15-25; identifying all TFC). Therefore, it would have been obvious to apply the TFC reconfiguration into Irwin in order to renegotiate transmission rate to the mobile by either removing the TFC when the signal quality degrades or adding the TFC when the the signal quality improves.

Claims 5 and 12 have been disclosed in claim 5.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

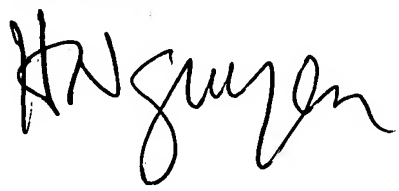
Terry et al. (US pat. 6,845,088 B2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-THursdaay from 8:30 to 4:30. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached on 571 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen



HANH NGUYEN
PRIMARY EXAMINER